

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN**

APPLETON PAPERS INC. and
NCR CORPORATION,

Plaintiffs,

No. 2:08-cv-00016-WCG

v.

GEORGE A. WHITING PAPER
COMPANY, P.H. GLATFELTER
COMPANY, MENASHA
CORPORATION, GREEN BAY
PACKAGING INC., INTERNATIONAL
PAPER COMPANY, LEICHT TRANSFER
& STORAGE COMPANY, NEENAH
FOUNDRY COMPANY, NEWPAGE
WISCONSIN SYSTEM INC., THE
PROCTER & GAMBLE PAPER
PRODUCTS COMPANY, and
WISCONSIN PUBLIC SERVICE CORP.

**DEFENDANT MENASHA
CORPORATION'S MOTION TO
DISMISS THIRD AMENDED
COMPLAINT**

Defendants.

MOTION TO DISMISS THIRD AMENDED COMPLAINT

Pursuant to Fed. R. Civ. P. 12(b)(1) and (6), Defendant Menasha Corporation (“Menasha”) respectfully moves this Court to dismiss Counts I and III of Plaintiffs’ Third Amended Complaint for the reasons stated in Menasha’s previously filed Motion to Dismiss, Plaintiffs’ Second Amended Complaint and Memorandum in Support thereof, which Menasha incorporates herein by reference. (Docket Nos. 63, 64).

As Plaintiffs’ Response to Menasha’s Motion to Dismiss notes, the Third Amended Complaint adds seven additional defendants, but does not change the allegations against Menasha. (Docket No. 92 at 2 n.1). Therefore, the filing of the Third Amended Complaint does not affect the arguments made in Menasha’s Motion to Dismiss and should not affect the Court’s resolution of the Motions to Dismiss. (*Id.*)

Menasha intends to file a Reply to Plaintiffs Response on or before May 5, 2008, in accordance with applicable federal and local rules.

Dated: April 18, 2008

s/ Jacy T. Rock

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CERTIFICATE OF SERVICE

I hereby certify that on April 18, 2008, **DEFENDANT MENASHA CORPORATION'S MOTION TO DISMISS PLAINTIFFS' THIRD AMENDED COMPLAINT** was electronically filed with the Clerk of the Court using the ECF system.

The ECF system will send notification of the filing to:

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